



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,153	06/19/2003	Guenther Herr	HOE-763	5804

20028 7590 05/25/2004
LAW OFFICE OF BARRY R LIPSITZ
755 MAIN STREET
MONROE, CT 06468

EXAMINER

CHOI, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,153

Applicant(s)

HERR ET AL.

Examiner

William C. Choi

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt of the Information Disclosure Statement, with copies of the references cited therein, was received on 10/31/2003. An initialized copy of the IDS is enclosed with this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, with respect to claim 2, applicant discloses, "wherein the **connecting region forms a projection** which goes beyond the vicinity of the **connecting region**". As claimed, it is unclear as to how the projection, which is formed

by the connecting region, can go beyond its same vicinity (i.e. of the connecting region). In other words, it is unclear as to how something (i.e. connecting region) goes about forming (i.e. makes up/constitutes) something and then extends beyond itself, thereby rendering the claim non-enabling.

Specifically, with respect to claim 3, applicant discloses, "wherein the **connecting region** is formed as a depression with respect to the *vicinity of the connecting region*". Again, it is unclear how something (i.e. connecting region) can serve as a means of comparison with respect to its own vicinity, thereby rendering the claim non-enabling.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, with respect to claims 11, 12 and 13, applicant discloses multiple optical "elements", when only a single optical element is disclosed in claim 1, from which these claims depend. Therefore, it is unclear as to what additional optical elements applicant is claiming, rendering the claims vague and indefinite. For purposes of examination, it was assumed applicant meant to disclose a single optical "element" in correlation to what is set forth in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 11-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Suverison (U.S. 3,649,098).

In regard to claim 1, Suverison discloses a projector lens comprising an optical element for shaping radiation fields (column 2, lines 45-53, Figure 1, "10") emitted from light guides (column 2, line 42, Figure 1, "12"), the optical element being formed in a monolithic body (column 2, lines 41-42, Figure 1, "10") which has a radiation-field-shaping region (column 2, lines 50-53, Figure 1, "19") and a connecting region for the light guide which are part of the optical element (column 3, lines 45-55, Figure 1, "18"), the connecting region having a connecting area for a front face of the light guide which is adapted approximately to a diameter of the light guide (column 3, lines 48-55, Figure 1, "45") and is disposed offset from a vicinity of the connecting region (Figure 1, "18").

Regarding claim 4, Suverison discloses wherein the optical element (Figure 1, "19") is part of a monolithic body extending beyond said element (column 2, lines 45-53, Figure 1, "10").

Regarding claim 5, Suverison discloses wherein the vicinity of the connecting region is formed by one side of the monolithic body (column 3, lines 45-55, Figure 1, "18", re "rearward socket portion").

Regarding claim 6, Suverison discloses wherein the monolithic body is held in a carrier, which is separate from it (column 3, lines 31-43, Figures 1 and 2, "14")

Regarding claim 7, Suverison discloses wherein the vicinity of the connecting region is formed by one side of the carrier (Figure 1, "14, 18").

Regarding claim 8, Suverison discloses wherein the optical element is formed by a monolithic body, which is approximately cylindrically constructed (Figure 1, "10") and encloses both the radiation-field-shaping region (Figure 1, "19") and the connecting region (Figure 1, "18").

Regarding claim 9, Suverison discloses wherein the radiation-field-shaping region has an area curved in the manner of a lens for radiation field shaping (column 2, lines 50-53, Figure 1, "19").

Regarding claims 11 and 12, Suverison discloses wherein the optical element (Figure 1, "19") is an individual optical element held by a common carrier (Figure 1, "10").

Regarding claim 13, Suverison discloses wherein the optical element is formed by a segmental region (Figure 1, "19") of a unitary monolithic body (Figure 1, "10").

Regarding claim 17, Suverison discloses wherein a marking is associated with each connecting region (column 3, lines 67-69, Figure 1, "50").

Claims 1, 10, 14-16, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Chown (U.S. 4,290,667).

In regard to claims 1 and 18, Chown discloses a projector lens (column 3, lines 36-52, Figure 2) comprising an optical element for shaping radiation fields (column 3,

lines 46-53, Figure 2, "26") emitted from light guides (column 3, lines 36-43, Figure 2, "23"), the optical element being formed in a monolithic body (Figure 2, "21") which has a radiation-field-shaping region (Figure 2, "26") and a connecting region for the light guide (Figure 2, "24") which are part of the optical element, the connecting region having a connecting area for being connected to a front area of the light guide (Figure 2, "24"), a heatable material by means of which the material in the region of the areas to be connected can be heated up is provided in the region of the areas to be connected (column 3, lines 43-45 and column 7, lines 31-38, Figure 2, "24").

Regarding claim 10, Chown discloses wherein the radiation-field-shaping region has a refractive index gradient for radiation field shaping (column 3, lines 6-7, Figures 15, 16 and 17).

Regarding claim 14, Chown discloses wherein the radiation-field-shaping region has boundary surfaces shaped in such a way that rays reflected on them are substantially not reflected back directly into the light guide (Figure column 8, lines 37-45).

Regarding claim 15, Chown discloses wherein the radiation-field-shaping element acts in such a way that it does not collimate exactly (Figure 5).

Regarding claim 16, Chown discloses wherein the light guide is connected to the connecting area of the connecting region such that it is substantially reflection-free (Figure column 8, lines 37-45).

Regarding claim 19, Chown discloses wherein a heatable material by means of which the material in the region of the areas to be connected can be heated up is

provided in the region of the areas to be connected (column 3, lines 43-45 and column 7, lines 31-38, Figure 2, "24") and would inherently be in the shape of a collar, this being reasonably assumed from the symmetry of the Figure 2.

Regarding claim 20, Chown discloses wherein the light guide is provided with heatable material in the region of its front face (column 3, lines 43-45 and column 7, lines 31-38, Figure 2, "24") and would inherently be in the shape of a collar, this being reasonably assumed from the symmetry of the Figure 2.

Regarding claim 21, Chown discloses wherein the heatable material can be heated up by absorption of rays (column 3, lines 43-45 and column 7, lines 31-38).

Regarding claims 22 and 23, the material of Chown (i.e. adhesive) would inherently be able to be heated up by laser radiation passing through the monolithic body (claim language, "can be heated" implies invention merely being able to exhibit this property under the condition of laser radiation being applied).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Choi whose telephone number is (571) 272-2324. The examiner can normally be reached on Monday-Friday from about 9:00 am to 6 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone

Art Unit: 2873

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

W.C.
William Choi
Patent Examiner
Art Unit 2873
May 20, 2004


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800